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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,989	01/11/2002	Amresh Agrawal	NAIIP067/01.266.01	1427
28875	7590	02/24/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120				ALAM, UZMA
		ART UNIT		PAPER NUMBER
		2157		

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/045,989	AGRAWAL ET AL.
	Examiner	Art Unit
	Uzma Alam	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,4,6-11 and 17-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3,4,6-11 and 17-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/15/05.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This action is responsive to the amendment filed on December 16, 2005. Claims 1, 11, 21, 22 and 23 have been amended. Claims 2-5 and 12-15 are cancelled. Claims 1, 6-11, 16-29 represent method and apparatus for reporting and analyzing network performance.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Boker US Patent Publication No. 2003/0074606. Boker teaches the invention as claimed including a method of conducting performance tests of server systems and reporting the results (see abstract).

3. As per claim 1, Boker teaches a method for user-configured network analysis reporting, comprising:

- (a) identifying a plurality of templates provided based on user input (identifying and choosing projects which include specific load test runs, paragraph 0119, 0130, 0149)
- (b) querying a database for network traffic information based on the identified templates (downloading the results of the load tests paragraph 0122, 0158);

(c) populating the templates with the network traffic information (obtaining the results of the network load test runs; paragraph 0122, 0158); and

(d) reporting the network traffic information over a network utilizing the populated templates (generating a report, a graph or list of the result of the test run; Figure 7 and Figure 8, paragraph 0153-0157).

wherein the reporting includes displaying a graphical user interface reflecting the populated templates (using a application in a browser to display graphs and lists and charts of results; Figures 7 and 8);

wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period (the graphs and reports are generated based on user specified configuration specifications, such as time period and routes of the test; Figure 7, paragraph 0183).

4. As per claim 6, Boker teaches the method as recited in claim 1, wherein the templates include templates of a first type and templates of a second type (paragraph 0149-0152).

5. As per claim 7, Boker teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a versatility thereof (paragraph 0149-0152).

6. As per claim 8, Boker teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (paragraph 0153-0158).

7. As per claim 9, Boker teaches the method as recited in claim 6, wherein the templates of the first type are populated with the network traffic information utilizing a first module (paragraph 0153-0158).

8. As per claim 10, Boker teaches the method as recited in claim 6, wherein the templates of the second type are 2 populated with the network traffic information utilizing a second module (paragraph 0153-0158).

9. Claims 11, and 16-21 are rejected with the same logic as claims 1, and 3-10 because they are drawn to a computer program product and system with the same limitations as claim 1-10.

10. As per claim 22, Boker teaches a method for user-configured network analysis reporting, comprising:

- (a) determining whether a network analysis reporting system is operating in a report mode or edit mode (user mode or administration mode ; paragraph 0083-0084);
- (b) if the network analysis reporting system is operating in the report mode, identifying a plurality of existing templates (paragraph 0098);

(c) if the network analysis reporting system is operating in the edit mode, creating a plurality of templates based on user input (paragraph 0119, 0130, 0149);

(d) querying a database for network traffic information (paragraph 0122, 0158);

(e) populating the templates with the network traffic information (paragraph 0122, 0158); and (f) reporting the network traffic information over a network utilizing the populated templates (paragraph 0153-0157, Figures 7 and 8).  
wherein the reporting includes displaying a graphical user interface reflecting the populated templates (Figures 7 and 8);  
wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period (Figure 7, paragraph 0183).

11. As per claim 23, Boker teaches a method for user-configured network analysis reporting, comprising:

(a) displaying an interface (displaying a web site; paragraph 0083-0084);  
(b) determining whether the interface is operating in a report mode or edit mode (user mode or administration mode ; paragraph 0083-0084);  
(c ) if the interface is operating in the edit mode:  
(i) receiving input from a user (paragraph 0119, 0130, 0149);  
(ii) generating a parameter file based on the input (creating a specific test run; paragraph 0091-0115);  
(iii) validating the parameter file (paragraph 0091-0115); and

- (iv) storing the parameter file (paragraph 0091-0115); and
- (d) if the interface is operating in the report mode:
  - (i) identifying a user (paragraph 0136);
  - (ii) locating a parameter file (paragraph 0131, 0154); and
  - (iii) generating a report based on the parameter file by:
    - 1) identifying templates in the parameter file (paragraph 0131, 0154);
    - 2) retrieving templates of a first type from a first module (paragraph 0149-0152);
    - 3) retrieving templates of a second type from a second module (paragraph 0149-0152)
    - 4) querying a database (paragraph 0122, 0158), and
    - 6) populating the templates utilizing network traffic information retrieved in response to the querying (paragraph 0153-0157, Figures 7 and 8),
  - (iv) displaying the populated templates (paragraph 0153-0157, Figures 7 and 8);

wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period (Figure 7, paragraph 0183).

As per claim 24, Boker teaches the method as recited in claim 1, wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period (Figure 7, paragraph 0183) where the network traffic information comes from what type of network

information is used, and to what location the network traffic is written (the results are sent to certain file locations on the directory; paragraph 0182-0189).

As per claim 25, Boker teaches the method as recited in claim 1, wherein the reporting includes a graph displaying error segments for a predetermined period of time (paragraph 0185, Figures 7 and 16).

As per claim 26, Boker teaches the method as recited in claim 1, wherein the reporting includes a graph displaying a list of busiest servers for a predetermined period of time (Figures 7 and 8).

As per claim 27, boker teaches the method as recited in claim 1, wherein a plurality of monitoring agents are utilized to monitor the network traffic information (paragraph 0189).

As per claim 28, Boker teaches the method as recited in claim 27, wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database (paragraph 0182-0183; paragraph 0189-0189)

As per claim 29, Boker teaches the method as recited in claim 28, wherein the database is populated according to a minute time interval (Figure 17, database refresh rate).

*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

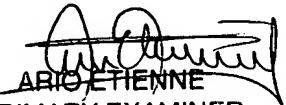
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam  
Ua  
February 13, 2006



ARI ETIENNE  
PRIMARY EXAMINER